

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

May 13, 2021

T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro (Muskegon, MI), B. Mazade (Muskegon, MI), T. Michalski (Muskegon, MI), J. Doyle (Muskegon, MI), E. Hood (Muskegon, MI), J. Montgomery-Keast (Muskegon, MI), S. Gawron (Muskegon, MI), F. Peterson (Pittsburgh, PA)

MEMBERS ABSENT: D. Keener

STAFF PRESENT: M. Franzak, C. Cashin

OTHERS PRESENT: R. Matthews of Verplank Trucking, R. Ysseldyke of Holland Engineering, S. Benedict and J. Hoogstra of 1042 Terrace St, G. Pollard of Fountain Funeral Home,

APPROVAL OF MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting on April 15, 2021 with the correction to mark T. Michalski as absent was made by J. Doyle, supported by J. Montgomery-Keast and unanimously approved. A motion to approve the Minutes of the special Planning Commission meeting on March 18, 2021 was made by L. Spataro, supported by J. Doyle and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2021-10

Request for Final Planned Unit Development approval at 151 N Causeway for the redevelopment of the former power plant site for new bulk materials storage for shipping, by Verplank Family Holding Company.

1. The property is zoned Waterfront Industrial PUD (WI-PUD). Please see the enclosed ordinance, which states that the intent of this district is to require planned unit developments for all projects to ensure a mix of port uses that enhances the industrial economic base of the city.
2. The project is located at the former Consumers Energy power plant.
3. The applicant is proposing to construct a new 10,000 sf bulk materials storage building for shipping operations.
4. The master plan indicates that all shipping activities should be moved to the east end of the lake.
5. The development will occur within 500 feet of the lake, so the applicant is required to obtain a stormwater permit from the Muskegon County Drain Commissioners office. The applicant has already applied for the permit, but has not received an answer yet.

6. The Public Works Director has indicated that the drain filed location is directly adjacent to the bike path. The raised drain field must not impede drainage from the bike path or impact the use of that facility in any way. In addition to any potential drainage impacts we need to maintain at least two foot of clearance along the edge of the paved trail, free of any obstructions.
7. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had not received any comments from the public.

Staff recommends approval (with conditions) of the request as it helps accomplish the goal of moving shipping operations to the east end of the lake.

Conditions:

- The raised drain field must not impede drainage from the bike path or impact the use of that facility in any way.
- There must be at least two foot of clearance along the edge of the paved trail, free of any obstructions.
- The applicant must also receive a stormwater permit from the Muskegon County Drain Commissioners office.

J. Doyle asked if the boundary lines shown in red on the aerial map in the agenda packet were the actual boundary lines. M. Franzak said, yes, that is the boundary line of the property within the City of Muskegon, but the project would only take place south of the green line on the newly submitted aerial map.

R. Matthews elaborated on the boundary lines and the project. The green line on the aerial map is the northern property line going back to the warm water discharge area and then up the middle of the water shown on the map. Verplank also owns the former coal area of the property. The project will have a three-bay garage, a couple offices, a breakroom, an enclosed oil/fluid room, and a scale house. The scale house will be connected to both scales, the existing one on the south side of the property and the new one that will service the coal yard. J. Doyle said it looks like the bike path is located within the property line. R. Matthews stated that there will be at least two foot of separation from the bike path and there is a fence there as well.

Time was allotted for public comment with contact information provided. No comments were received. A motion by J. Montgomery-Keast was made to close the public hearing, supported by L. Spataro and unanimously approved.

A motion that the request for Final Planned Unit Development approval at 151 N Causeway be recommended to the City Commission for approval with the staff conditions listed was made by J. Montgomery-Keast, supported by S. Gawron and approved with S. Gawron, E. Hood, F. Peterson, J. Doyle, B. Mazade, J. Montgomery-Keast, L. Spataro voting aye.

T. Michalski's Zoom connection stopped working and he did not return to the meeting.

Hearing, Case 2021-11

Request for a departure for the form-based code section of the zoning ordinance to allow new glass windows without a visual light transmittance of at least 70% at 1042 Terrace St, by Panyard Building LLC.

1. The property is zoned Form Based Code, Neighborhood Core (FBC-NC).
2. The applicant will be remodeling the building and replacing the front windows with the originally larger-sized windows. The applicant is requesting to have dark, reflective glass on these new windows.
3. All buildings in FBC districts are required to have windows on the first floor with a visual light transmittance of 70% or higher. This is a design standard to limit reflective/black-out glass.
4. Please see the articles on the following pages regarding design and the importance of clear glass in downtown districts.
5. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had not received any comments from the public.

Staff does not recommend approval of the request.

S. Benedict elaborated that he understands the City's stance on retail windows, but he stated that this he is 99.99% sure this building will never be retail. J. Hoogstra illustrated that this building is primarily a law office and the tinted window help with privacy for their work and their clients. J. Hoogstra stated that they are looking to continue to make this building attractive to the legal and County professionals and in close proximity to the courthouse. J. Montgomery-Keast asked is there was a reason why they couldn't hang curtains in the windows. S. Benedict stated that there will not be room for curtain rods with the new 8 feet long by 10 feet high windows that will be installed; the windows' top edge meets at the start of the drop ceiling. J. Montgomery-Keast asked S. Benedict if he intended to ever sell the building. He replied no.

Time was allotted for public comment with contact information provided. No comments were received. A motion by J. Montgomery-Keast was made to close the public hearing, supported by F. Peterson and unanimously approved.

A motion that the request for a departure for the form-based code section of the zoning ordinance to allow new glass windows without a visual light transmittance of at least 70% be approved was made by F. Peterson, supported by J. Doyle and approved with S. Gawron, E. Hood, F. Peterson, J. Doyle and B. Mazade voting aye and J. Montgomery-Keast and L. Spataro voting nay.

L. Spataro explained that he could not vote in favor of this project because he thinks it is bad practice to constantly give waivers to ordinances and if the ordinance is defective, it should be amended. He also mentioned that when creating a functional walkable neighborhood, part of what is important is the connectivity between the building and the street. L. Spataro said that if there is opaque glass on a building, there might as well be a brick wall, and that creates a sense of insecurity, alienation from the community, and is bad urban design. He also stated that if the windows are 10 feet tall, there isn't a need to bring the curtains all the way to the top of the window.

F. Peterson commented that the departure from the form-based code is relatively easy because the City recognized that it was going to fit all things into one rule for everything. He stated that it's reasonable to look at this building and make one departure to get other things out of the building; the remodel, an active building and an investor.

Hearing, Case 2021-12

Request for a special use permit to operate a crematory at 1765 Peck St, by Fountain Funeral Home LLC.

1. The property is zoned B-4, General Business.
2. Crematories are allowed as a Special Use Permitted in B-4 districts.
3. There are no building additions associated with this project. There are two buildings on site. The crematory would be placed in the building to the south (not the building on the corner).
4. Notice was sent to applicants within 300 feet of the property. Staff received one letter from Lawrence and Robyn Doctor at 1706 Sandford Street. They are concerned about the commercialization of the area and the health risks of a crematorium.

Staff recommends approval of the request.

L. Spataro mentioned that there are a few other crematoriums in the city already and this isn't a sign the area becoming more commercial. L. Spataro asked if City staff had ever received complaints about the other crematoriums in the city. M. Franzak said staff had not received complaints about the other crematoriums in the city.

G. Pollard said that a lot of the families she is serving now request cremations and she would like to better serve her customers. J. Montgomery-Keast asked if there would be any construction for the crematorium. G. Pollard said that the crematorium would be placed inside the existing building on the south side of the property. J. Montgomery-Keast asked about the licensing policy with the State and what is required for emissions. G. Pollard explained that they are required to have a plan and that they have had contractors look at the building and inform them of what changes are needed. She will also have staff take classes for the crematorium. J. Doyle asked if there are any specific remediation system to guarantee that the air quality is good. G. Pollard said that they are doing the research on that and will make sure to have the proper plan. J. Montgomery-Keast asked M. Franzak if staff would need to review the plan for the crematorium. M. Franzak stated that the Building Department would need to inspect the property. B. Mazade asked about noise and odor control. G. Pollard stated that they will sound proof the building and install the correct furnace and exhaust system to remove odor.

Time was allotted for public comment with contact information provided. No comments were received. A motion by J. Doyle was made to close the public hearing, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request for a special use permit to operate a crematory at 1765 Peck St be approved was made by J. Doyle, supported by E. Hood and approved with S. Gawron, E. Hood, F. Peterson, J. Doyle and B. Mazade, J. Montgomery-Keast and L. Spataro voting aye.

J. Montgomery-Keast recognized the letter of concern from the neighbors and let them know that she understands their pain while living in urban areas as progress is made. B. Mazade stated that he knows there have been a number of changes in the neighborhood and the commission needs to be sensitive to their concerns, but at the end of the day he does not see a concern with this addition after hearing from the applicant. L. Spataro mentioned that a lot of the complaints in the letter have already been addressed and corrected over the years.

NEW BUSINESS:

None

OLD BUSINESS

None

UPDATES ON PREVIOUS CASES:

None

OTHER

B. Mazade asked M. Franzak for an update on Case 2021-09 (3505 Marina View Point (Dockers)) and the improvements that had been made on that property over the past couple of years. M. Franzak that he has not located that information yet, but will look for it in the coming weeks. He also mentioned that staff has been in contact with Dockers about removing the shipping container on the property and Dockers is working with an architect to present a permanent building.

L. Spataro mentioned the windows at the former Topsy Toad bar are good example as to why windows that you cannot see through are not good for business. He asked if there were any plans to make them change the windows during the renovation process. M. Franzak stated that staff cannot make them change them, but if the ever want to change the windows they will have to be transparent.

ADJOURN

There being no further business, the meeting was adjourned at 5:05 PM.